

### **REMARKS**

Claims 1-29, 71, 75-95, 97, 99-102, 104-106, and 108-120 are now pending in the application. By this paper, Claims 75-77, 81, 85-86, 97, 99, 104-105, 108-109, and 120 have been amended and Claims 96, 98, 103, and 107 have been cancelled without prejudice or disclaimer of the subject matter therein. The basis for these amendments can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **SPECIFICATION**

The specification stands objected to as failing to provide proper antecedent basis for the subject matter of Claims 76-120, as required by 37 CFR 1.75(d)(1).

Applicants submit that this objection is moot with respect to Claims 96, 103, and 107, as Claims 96, 103, and 107 have been cancelled without prejudice or disclaimer of the subject matter contained therein.

Applicants have amended Claims 76, 77, 81, 85, 86, and 120 in accordance with the Examiner's suggestions, and therefore respectfully submit that Claims 76, 77, 81, 85, 86, and 120 are in condition for allowance. The foregoing amendments to Claims 76, 77, 81, 85, 86, and 120 were made to clarify the claimed subject matter and are

therefore non-narrowing amendments. Reconsideration and withdrawal of the objections is respectfully requested.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 76-120 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserts that it is unclear from the claims and the specification what Applicant implies by a "first relationship" and a "second relationship." This rejection is respectfully traversed.

At the outset, Applicants respectfully submit that this rejection is moot with respect to Claims 96, 103, and 107, as Claims 96, 103, and 107 have been cancelled. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicants have amended Claims 76, 81, and 85 to recite a "first position" and a "second position" rather than reciting a "first relationship" and a "second relationship." Support for the foregoing amendments can be found at Col. 5, lns. 12-41. Reconsideration and withdrawal of the rejections is respectfully requested.

**REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-29, 71, and 75-120 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murayama et al. (U.S. Pat. No. 5,211,031) in view of Nagatomo (JP04-121478 A).

Claim 75 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Rajendran et al. (U.S. Pat. No. 6,264,446) under the standard set forth in *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

These rejections are respectfully traversed.

At the outset, Applicants respectfully submit that this rejection is moot with respect to Claims 96, 103, and 107, as Claims 96, 103, and 107 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

Applicants respectfully submit that the combination of Muryama et. al and Nagatomo is improper, as the combination of Murayama et al. with Nagatomo renders the device of Muryama inoperable for its intended purpose.

Muryama discloses two scroll-type compression units that are operated at different speeds to control compressor capacity over a wide range of load conditions. Nagatomo, on the other hand, discloses coupling a pair of scroll compression units via a *single* drive shaft that is driven by a *single* electric motor. Because the compression units of Nagatomo are coupled by a common driveshaft, each compression unit cannot be selectively driven at different speeds—an intended and central feature of Muryama. Therefore, the combination of Muryama and Nagatomo is improper.

Applicants respectfully submit that providing a dual-scroll compressor with a first capacity modulation system and a second capacity modulation system is not a mere duplication of parts, as asserted by the Examiner.

The Examiner asserts that one of ordinary skill in the art at the time the invention was made would have found it obvious to add a second scroll compressor to Rajendran

to increase compressor capacity. Rajendran is completely silent with respect to adding a second compression machine, much less driving first and second compression units of a dual-scroll compressor via a common crankshaft and motor. Therefore, Applicants submit that adding an additional compression unit to Rajendran is not a "mere duplication of parts," as such an addition would not fairly suggest driving such an additional compression unit with a common crankshaft or providing both compression units with a capacity modulation system.

In light of the foregoing, Applicants respectfully submits that independent Claims 1, 75, and 76, as well as Claims 2-29, 71, 77-95, 97, 99-102, 104-106, and 108-120 are in condition for allowance. Accordingly, reconsideration and withdrawal of the rejections is respectfully requested.

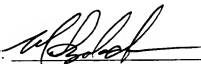
#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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